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General Assembly
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Official Records

97th Meeting
Friday, 8 July 1994, 10 a.m.
New York

President: Mr. Insanally ..... (Guyana)

The meeting was called to order at 10.40 a.m.

Agenda item 31 (*continued*)

The situation of democracy and human rights in Haiti

Report of the Secretary-General (A/48/931)

Draft resolution (A/48/L.57)

Report of the Fifth Committee (A/48/963)

The President: I should like to announce that the following countries have become co-sponsors of the draft resolution before the Assembly in document A/48/L.57: Antigua and Barbuda, Argentina, Bahamas, Barbados, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Canada, Chile, Cuba, Ecuador, France, Guyana, Mexico, Peru, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, and the United States.

I now call on the representative of Mexico to introduce the draft resolution.

Mr. Flores Olea (Mexico) (*interpretation from Spanish*): I have the honour to introduce the draft resolution on behalf of the Group of Latin American and Caribbean States and the other sponsors that you have just mentioned, Mr. President. The Group's members sponsoring the draft resolution are: Argentina, Antigua and Barbuda, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay, Venezuela and Mexico. The financial implications of the draft resolution are set out in document A/48/963.

Far from improving, conditions in Haiti have seriously deteriorated in recent months. President Jean-Bertrand Aristide, elected in the first free elections ever held in that country, has not been restored to office, and thus the return and consolidation of the democracy achieved by the Haitian people, with much effort and at the cost of many sacrifices, has been prevented. The attitude of the perpetrators of the military coup has hardened. The illegitimate authorities on the island do not respect the commitments they themselves made in international agreements, such as the Governors Island Agreement. Violence has increased, and flagrant and systematic violations of the most fundamental human rights of the people of Haiti have intensified.

These deplorable circumstance have prompted the Group of Latin American and Caribbean States, with the other sponsors of the draft resolution, to request the General Assembly to extend the mandate of the International Civilian Mission to Haiti, which expired several months ago. Despite all the obstacles to the Mission's proper functioning erected by the military regime, concerted action by the United Nations and the regional body, the Organization of American States

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(OAS), has enabled it to play a useful role by providing information and assistance, as described by the Secretary-General in his report. Furthermore, as the draft resolution states, the Mission can contribute greatly to the creation of a climate propitious to the restoration of constitutional and democratic order.

To make the overall situation worse, only a few days ago - on 5 July - the de facto government in Haiti told the Civilian Mission that its members must cease all activities on Haitian territory.

The draft resolution that I now have the honour to introduce for the General Assembly's consideration is predicated on the fundamental premise that the international community's goal remains the restoration of democracy through the return of President Aristide within the only valid framework for resolving the crisis: the Governors Island Agreement, which was signed a year ago by the military authorities but whose provisions they are now disregarding. The goal is also to ensure full observance of human rights and the promotion of economic and social development in Haiti. Those must be the three pillars of our efforts.

At the same time, the draft resolution reiterates the illegitimacy of any entity resulting from actions of the de facto regime, including the installation of a provisional president in May this year. Under the draft resolution, the Assembly would also express its profound concern for the fate of the Haitian people and would reassert that the military authorities bear full responsibility for that people's suffering.

The tasks of the Civilian Mission would be extended for an additional year, in accordance with the terms of reference and the modalities negotiated between President Aristide and the Special Envoy of the Secretary-General. Under the draft resolution, the Assembly would also call on the Secretary-General to strengthen the presence of this joint operation.

The States members of the Group of Latin American and Caribbean States, on whose behalf I have the honour of speaking, as well as the other sponsors of the draft resolution, take the view that this draft resolution constitutes the renewal of the international community's commitment to the restoration of constitutional order and democracy in Haiti. For that reason, the Group trusts that the General Assembly will adopt it without a vote.

Mr. Cárdenas (Argentina) (interpretation from Spanish): The General Assembly is about to renew the international community's commitment to the observance of human rights and fundamental freedoms in Haiti. These rights, as well as civil and political freedom, have been blatantly and violently flouted, to a greater or lesser extent, since the overthrow of the constitutional President, Jean-Bertrand Aristide, almost three years ago by the illegitimate military authorities that now hold power in that Caribbean nation.

The United Nations component in the International Civilian Mission for the observance of human rights is carrying out, together with the component of the Organization of American States (OAS), complex activities that deserve our full respect and all credit, in extremely difficult conditions of high tension. The reasonable frustration of these international officials at finding themselves obliged to witness violations perpetrated with manifest impunity has not undermined the quality of the work they are doing. Hence, we wish to pay tribute here to them for the courage and conviction they have shown. Hardly a month ago, on 8 June, we learned that armed civilians - representing the Haitian police, with military vehicles - engaged in abuses of authority against members of the International Civilian Mission in Haiti, such as destroying United Nations and OAS property required in order fully to implement the Mission's mandate. The illegitimate authorities are trying to disregard the Mission's mandate. There are no grounds for that whatsoever, in the light of the obligations of those who control the country *vis-à-vis* the security of the international personnel of the United Nations and the OAS. The failure to carry out that responsibility cannot be passed over in silence.

It is clear that, with the reinforcement of the General Assembly's commitment to the maintenance and strengthening of our Organization's role in Haiti, it will be possible gradually to enhance the Haitian people's fragile security and deal with the obvious need to reorganize and consolidate its democratic institutions, firmly guarantee the functioning of public order and respect for human rights, and ensure that the people will be able to have judicial recourse if those rights are denied.

Although we are aware that we are far from the full restitution of democracy in Haiti, the firm commitment of the United Nations acts as a deterrent to the authoritarian aims of the military authorities and their

followers, and thus should inexorably bring us nearer to a solution to the problem.

Document A/48/944 of 23 May 1994 contains the terms of reference of the Mission, which were negotiated by the constitutional President of Haiti and the Special Envoy of the Secretary-General. The provisions therein contain the basic guarantees to enable the joint Mission to ensure respect for and promotion of human rights. Of course, the illegitimate authorities are not fulfilling and do not feel bound by these provisions. This is not surprising, coming as it does from the same group which has flagrantly breached the Governors Island Agreement, not to speak of its commitment to the international community. One does not have to be excessively perspective to realize that these illegitimate authorities will disregard any agreement or the terms of any agreed instrument. Nor does one need an overactive imagination to understand that the international community's patience has a limit, and that this limit has almost been reached.

I wish to conclude by reaffirming our commitment to a solution to the Haitian crisis. I would also express the hope that the people of that nation will soon be able to have the political life they deserve, under the authority of their legitimately elected political representatives.

Mr. Sardenberg (Brazil): I wish at the outset to express our full support for the statement made by the Permanent Representative of Mexico, Ambassador Victor Flores Olea, who, on behalf of our regional group, introduced the draft resolution now before the General Assembly.

Since the *coup d'etat* of 1991, the political situation in the sister nation of Haiti has been a matter of constant and deep concern to Brazil. The de facto authorities in Haiti continue to obstruct the implementation of the Governors Island Agreement and the New York Pact, which they themselves signed. Moreover, the climate of wanton violence and disregard for the basic principles of human dignity in the country has further deteriorated.

Guided since the very beginning of the crisis by the firm commitment to ensure the prompt re-establishment of democracy in Haiti, the international community has strongly condemned the overthrow of the constitutionally elected Government and has taken vigorous measures against the military authorities. Today our determination remains as strong as ever.

The cooperation between the United Nations and the regional organization which is also seized of the matter, the Organization of American States, continues to be crucial in the quest for the restoration of freedom and dignity to the people of Haiti. It began more than three years ago, when both organizations supervised a successful electoral process, which led to the inauguration of President Jean-Bertrand Aristide as Haiti's legitimate Head of State, freely and democratically elected.

Like other members of the international community, Brazil welcomed that achievement, which seemed to augur well for the advent of an era of economic development and social justice on the basis of democratic participation. But the hopes raised by these promises were prematurely dashed by the junta which usurped power in 1991.

By resolution 47/20 B, the General Assembly approved the participation of the United Nations, jointly with the Organization of American States (OAS), in the International Civilian Mission to Haiti (MICIVIH) in order to monitor the de facto authorities' compliance with Haiti's international human rights obligations. Its ultimate objective was to assist in the establishment of a climate conducive to the re-establishment of democracy in that country.

The deployment of the Mission represented an important step in our common effort to help bring democracy back to Haiti. Under very difficult circumstances the Mission has been able to detect a large number of arbitrary arrests, illegal detentions, abductions and enforced disappearances perpetrated by the military authorities and their supporters. Terror and violence are routine methods employed to stifle the courageous people of Haiti.

The presence of MICIVIH in Haiti represents a moral deterrent by the United Nations which it is necessary to maintain. Though it has been unable fully to discharge its tasks owing to harassment by the de facto authorities, it has been conducting inquiries and collecting testimony that will ultimately contribute to inhibiting the abhorrent practices of the military authorities.

The Mission has recently received threats from the military authorities. Brazil condemns these practices of intimidation in the most vigorous way. We call on the military authorities to give guarantees of safety and freedom of movement to the members of MICIVIH.

Moreover, we strongly demand that violations of human rights by the de facto authorities and their supporters cease promptly.

As announced, Brazil is among the sponsors of the draft resolution. We trust it provides the necessary framework for continuation of the activities of the Mission in Haiti.

The tragedy in Haiti still goes on. Brazil remains deeply concerned about the fate of the Haitian people. The international community should firmly persevere in its efforts to restore democracy in Haiti by means of the diplomatic instruments at its disposal. Brazil believes that this is the best, the legitimate, way to face the situation in suffering Haiti.

Mrs. Fréchette (Canada) *(interpretation from French)*: Over the past few months the international community has taken determined steps to end the Haitian crisis once and for all. Our objective is clear: the rapid return of President Aristide and the full restoration of democracy and constitutional order in Haiti. We remain united and resolute in our commitment to achieve that goal. To the military leadership, whose refusal to comply with their obligations remains the principal obstacle, we have only this to say: Your time has run out; step aside now.

While the de facto regime remains, the people of Haiti go on suffering. The human rights situation is deplorable. The information provided by the joint United Nations-Organization of American States (OAS) International Civilian Mission to Haiti makes plain this sad reality. There is no need to elaborate here on the countless outrages perpetrated by the military leadership against those who support democracy. Fundamental freedoms are denied. Armed civilian groups operate with impunity, terrorizing and murdering the innocent. Ordinary Haitians live in daily fear of arbitrary acts of repression and brutality. The flight of thousands of Haitians from their homeland is tragic testimony to the brutality of the regime.

The effort to legitimize the situation through the installation of a new de facto regime is particularly galling and completely unacceptable. It is an illegitimate act of cynical desperation by the few who still believe that they can thwart the will of both the Haitian people and the international community.

The humanitarian situation in Haiti is also precarious. Canada will continue to provide substantial help to the poorest. We pay tribute to all those involved in delivering humanitarian aid, working under difficult circumstances. Any attempt to interfere with this assistance reaching those in need cannot be tolerated. At the same time, Canada reaffirms today that we are fully committed to helping Haitians, following the departure of the military leadership and after the return of President Aristide, strengthen democracy, rebuild their economy and pursue the process of national reconciliation.

Spoke in English.

Over a year ago, the General Assembly authorized United Nations participation in the International Civilian Mission in Haiti. The goal of the Mission is to support a peaceful solution to the crisis, assist the democratic forces in the country and encourage full respect for human rights. Under the current circumstances, the continued presence of the Mission is without doubt more important than ever.

The Haitian military authorities and the latest de facto regime persist in their brutal and cynical effort to extinguish hope for peace, stability and democracy. They will not prevail. The International Civilian Mission ensures that we will all remain witness to the ongoing human rights violations committed by the authorities in the absence of legitimate constitutional order. In so doing, it underlines for us all the need to resolve the crisis without delay.

President Aristide has requested that the Mission continue its work. We salute the efforts and the courage of Mission personnel in carrying out their important task in very trying circumstances. Any effort by the de facto regime to interfere with the Mission's operation is unacceptable. The Mission must be allowed to pursue its mandate unimpeded.

Canada fully supports the work of the Mission and the important role it plays in our efforts to resolve the Haitian crisis. For that reason, we are joining in sponsoring the draft resolution before the General Assembly today.

Mr. Gnehm (United States of America): The United States affirms in the strongest possible terms its support for the continued work in Haiti of the International Civilian Mission to Haiti (MICIVIH). As a joint mission, with personnel of both the United Nations and the Organization of American States (OAS), MICIVIH has been the international community's eyes in Haiti during the months of turbulence and ever-increasing

instances of human rights abuse. Despite these worsening circumstances, MICIVIH's work has continued and will continue as a crucial element of the international community's efforts to restore democracy to that beleaguered State.

The United States of America both echoes and underscores the statements issued in the last 24 hours by the OAS and the Friends of the Secretary-General for Haiti, which reject the so-called de facto Government's efforts to impede the work of MICIVIH. In fact, we reject the very notion that the "de factos" have any authority in this or any other matter whatsoever.

The military leadership in Haiti must understand three things: that they are the cause of the prolonged deterioration of the humanitarian and human rights environment in Haiti; that the international community will not tolerate continued suppression of the Haitian people and their democracy; and that the international community holds the military leadership personally responsible for the safety and security of all international personnel in Haiti.

In adopting this draft resolution today, the General Assembly will seize another important opportunity to deplore the failure by the military authorities in Haiti to live up to their international obligations. We must reaffirm our message to the military leaders that it is now time for them to go.

My Government is resolute in its determination to see a restoration of democracy and the return of President Aristide to Haiti. We applaud the role of MICIVIH in this effort and we applaud the action the General Assembly will take today to ensure that the work of the Mission continues.

Mr. Longchamp (Haiti) *(interpretation from French)*: The delegation of Haiti would like you, Sir, to accept its sincere thanks for having convened this meeting of the General Assembly to discuss the situation of democracy and human rights in Haiti, specifically, the renewal of the mandate of the International Civilian Mission in Haiti (MICIVIH). We would also like to thank the Secretary-General and his Special Envoy for their ongoing efforts to discharge the mandate entrusted to them by the General Assembly in resolution 47/20 A.

On 8 January 1993, in a letter addressed to the Secretaries-General of the United Nations and of the Organization of American States, President Aristide asked for the deployment of an international civilian mission, the mandate of which would be to ensure the strict compliance with the fundamental freedoms of the people of Haiti, in order to allow

> "The strengthening of democratic institutions and the rebuilding of the national economy, so that the solution of the present crisis leads to my return as President and to the establishment of a lasting democracy." *(A/47/908, annex I, para. (b))*.

On 20 April 1993, following the report of the Secretary-General, the General Assembly authorized the deployment of the United Nations component of the international civilian mission. The arrival of this Mission in Haiti was welcomed enthusiastically by the people, who saw in it a promise of the end of their suffering at the hands of the military authorities and their civilian auxiliaries.

Despite the risks, the victims of this abuse agreed to trust in the members of MICIVIH to bear witness to the situation of extreme repression created by those holding de facto power in the country. Once the reports of the Mission covering this situation were publicized, the illegal authorities of Haiti did not wait long to show their hostility to the Mission and to its members. The latter were subjected to denigration campaigns orchestrated by Government media against MICIVIH and also to harassment and threats, and those suspected of having reported to the Mission were systematically beaten, abused, imprisoned and even executed.

However, this environment did not discourage the members of the Mission, who courageously continued to do their job. While they were not able to help to create a climate conducive to the peaceful settlement of the Haitian crisis, nevertheless they did document for international public opinion the abuses meted out against the Haitian civilian population: arbitrary arrests, illegal detention, abuse, extortion, torture, rape, abductions and extra-judicial executions, among others.

The deterioration of the political situation, organized by the military authorities to prevent the solution of the crisis, caused a temporary withdrawal of the Mission last October. In mid-January of this year, a small group resumed the work of the Mission. This time, not only were they subjected to continual harassment and acts of intimidation, but in addition the military authorities prevented them from doing their job by refusing them access to detention centres and other places where serious violations of human rights have been perpetrated.

Finally, on 5 July 1994, the Mission was required by the unconstitutional, illegal and illegitimate Government of Mr. Jonassaint to stop its activities, supposedly because its presence in Haiti was illegal and the circumstances of its functioning not defined and, therefore irregular.

We vigorously protest the fact that this so-called Government, which is serving as a civilian screen for a military dictatorship, is claiming to offer lessons in legality to a United Nations and Organization of American States International Civilian Mission, whose presence in Haiti was required by the constitutionally elected President of the country and authorized unanimously by the General Assembly of the United Nations and the Permanent Council of the Organization of American States. Having said this, we hold the Haitian military authorities responsible for the safety of the members and property of the Mission.

It is not difficult to understand why the regime created by the *coup d'état* in Haiti is determined to prevent the Mission from doing its work. This Mission represents the conscience of the international community in Haiti. It has told us of the abuse meted out against the Haitian people and of the determination of that people to create a legitimate State, a society where justice and integrity might prevail - in short, of the refusal to legitimize the *coup d'état* and of the people's determination to restore constitutional order in Haiti. Witness the exodus of Haitian refugees, who prefer to face the dangers of the Caribbean Sea rather than accept the living conditions created by the *coup d'état*.

We request that this draft resolution be adopted by consensus in order to send the clear message to the putschists in Haiti that the international community is determined to accompany the Haitian people in its quest to build a nation where peace for all, respect for each citizen, unity and justice for all might prevail - a Haiti that would embrace its refugees and put an end to the massive exodus of its children. The adoption of this draft resolution would make it possible for MICIVIH not only to document human-rights violations in Haiti but also, pursuant to the terms of reference negotiated with President Aristide, to implement its mandate, which includes, *inter alia*, the promotion of human rights and of the freedom of expression and of association, a free press, and the observance of laws and conventions related to fundamental human rights.

Allow me to take this opportunity to extend an urgent appeal to all member States of the international community to implement scrupulously the sanctions adopted against the *coup d'état* regime in Haiti, because on strict compliance with these measures depends the possibility of reaching a political solution to this crisis, which has affected my country for 34 months now. We are confident that with the active support of the international community, Haiti will return to constitutional legitimacy, the only basis for the authority of the State.

The President: We have heard the last speaker in the debate on this item.

I wish to announce that the following countries have added their names to the list of sponsors of the draft resolution before us: Austria, Colombia, Denmark, Finland, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Monaco, the Netherlands, Norway, Portugal, Romania, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland.

The Assembly will now take a decision on the draft resolution (A/48/L.57).

The report of the Fifth Committee on the programme budget implications of the draft resolution is contained in document A/48/963.

May I take it that the Assembly decides to adopt the draft resolution contained in document A/48/L.57?

The draft resolution was adopted (resolution 48/27 B).

The President: We have thus concluded this stage of our consideration of agenda item 31.

Introduction of the reports of the Fifth Committee

The President: I request the Rapporteur of the Fifth Committee, Mr. Mahbub Kabir of Bangladesh, to introduce the reports of the Fifth Committee in one intervention.

Mr. Kabir (Bangladesh), Rapporteur of the Fifth Committee: I have the honour to present today to the General Assembly the reports of the Fifth Committee on some outstanding issues.

On agenda item 138 (a), "Administrative and budgetary aspects of the financing of the United Nations peace-keeping operations: financing of the United Nations peace-keeping operations", Part V of the report of the Fifth Committee is contained in document

A/48/807/Add.4. In paragraph 4 of that report, the Committee recommends to the General Assembly the adoption of the following draft decision:

"The General Assembly

"Decides to maintain the current level of resources approved under the support account for peace-keeping operations for the month of July 1994."

The above-mentioned decision was approved by the Committee without a vote.

Concerning agenda item 168, "Personnel questions", at its 67th meeting, on 13 June 1994, the Committee, on the proposal of the Chairman, decided to recommend to the General Assembly the deferral of its consideration of the amendments to the Staff Rules to its forty-ninth session. The report of the Fifth Committee is contained in document A/48/805/Add.1. In paragraph 6 of that report, the Committee recommends to the General Assembly the adoption of the above-mentioned draft decision, which was adopted by the Committee without a vote.

The President: If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Fifth Committee that are before it today.

It was so decided.

The President: Statements will therefore be limited to explanations of vote or position.

The positions of delegations regarding the recommendations of the Committee have been made in the Committee and are reflected in the relevant official records. May I remind members that under paragraph 7 of decision 34/401 the Assembly agreed that

"When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, i.e., either in the Committee or in plenary meeting, unless that delegation's vote in plenary meeting is different from its vote in the Committee."

May I also remind delegations that, also in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendations contained in the reports of the Fifth Committee, I should like to advise representatives that we are going to proceed to take decisions in the same manner as was done in the Fifth Committee.

Agenda item 138 *(continued)*

Administrative and budgetary aspects of the financing of the United Nations peace-keeping operations:

(a) Financing of the United Nations peace-keeping operations (A/48/807/Add.4)

The President: The Assembly will now take a decision on the draft decision recommended by the Fifth Committee in paragraph 4 of Part V of its report (A/48/807/Add.4).

The draft decision, entitled "Support account for peace-keeping operations", was adopted by the Fifth Committee without a vote. May I consider that the General Assembly wishes to do the same?

The draft decision was adopted.

The President: We have thus concluded this stage of our consideration of sub-item (a) of agenda item 138.

Agenda item 168 *(continued)*

Personnel questions (A/48/805/Add.1)

The President: The Assembly will now take a decision on the draft decision recommended by the Fifth Committee in paragraph 6 of Part II of its report (A/48/805/Add.1).

May I consider that the Assembly wishes to adopt the draft decision?

The draft decision was adopted.

The President: We have thus concluded this stage of our consideration of agenda item 168.

The meeting rose at 11.25 a.m.